

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Dennis E. Hecker,

BKY No. 09-50779

Debtor.

**NOTICE OF HEARING AND MOTION
FOR TURNOVER OF RECORDS**

TO: ENTITIES SPECIFIED IN LOCAL RULE 9013-3

1. Randall L. Seaver, the Chapter 7 Trustee herein, moves the court for the relief request below and gives notice of hearing herewith.

2. The court will hold a hearing on this motion at 2:00 p.m. on January 27, 2010, in Courtroom 8 West, before the Honorable Robert J. Kressel, Federal Building, 300 South Fourth Street, Minneapolis, MN 55415, or as soon thereafter as counsel can be heard.

3. Any response to this motion must be filed and served by delivery no later than January 22, 2010, which is five (5) days before the above date (including Saturdays, Sundays and holidays). UNLESS A RESPONSE IS TIMELY SERVED AND FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. This court has jurisdiction over this motion under 28 U.S.C. §§157 and 1334, Fed.R.Bankr.P. 5005, and Local Rule 1070-1. The petition commencing this chapter 7 case was filed on June 4, 2009. The case is now pending in this court.

5. This motion arises under 28 U.S.C. §1404 and Local Rule 1002-1(a) and is filed under Local Rules 9013-2 and 9013-5. The trustee requests an order pursuant to 11 U.S.C. §542(e) for the turnover of records.

6. The trustee has been informed that the Debtor had financial relationships with the following by way of bank account, investment account or credit card account:

a. American Express Company (d/b/a American Express)
("American Express").

7. Pursuant to Exhibit A, produced by the Debtor, it appears that Debtor, or his family, have utilized American Express account ending in "9-31006."

8. Although requested from Debtor, complete American Express statements have not been provided.

9. The trustee seeks a turnover of all statements of account identified in Exhibit A for the period of January 1, 2009 to the present.

10. The trustee may testify at the hearing of this matter.

WHEREFORE, the trustee requests an order of the court:

1. Ordering American Express to turnover to the trustee all account statements for the account ending in 9-31006 for the period January 1, 2009 to the present, and

2. Such other relief as is just and equitable.

**LEONARD, O'BRIEN,
SPENCER, GALE & SAYRE LTD.**

/e/ Matthew R. Burton

Dated: January 6, 2010

By: _____
Matthew R. Burton #210018
Attorneys for Trustee
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

VERIFICATION

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Dennis E. Hecker named in the foregoing Notice of Hearing and Motion for Turnover of Property, declare under penalty of perjury that the foregoing is true to the best of my knowledge, information and belief.

/e/ Randall L. Seaver

Executed on January 6, 2010

Randall L. Seaver, Trustee

413746

Corporate Card Statement of Account

Signup For Online Statements

466

www.americanexpress.com/checkyourbill

466

Prepared For
JAMES GUSTAFSON
WALDEN FLEET SERVICE

Account Number
XXXX-XXXXX9-31008

Closing Date
08/28/09

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JNT(S)

Previous Balance \$	New Charges \$	Other Debits \$	Payments \$	Other Credits \$	Balance Please Pay By Due \$	
15,687.46	37,884.30	0.00	1,317.80	1,317.80	36,569.70	For important information regarding your account refer to page 2.

Payment is due in full. Please pay by 09/12/09 to allow time for your payment to be received by us and credited to your account.

For assistance or questions about your account, contact us at www.americanexpress.com/checkyourbill or call Customer Service at 1-800-528-2122.

Corporate Card Snapshot

Card Number	Card	New Charges + Other Debits	Payments + Other Credits
XXXX-XXXXX9-31008	JAMES GUSTAFSON	0.00	-15,687.46
XXXX-XXXXX9-31016	J GUSTAFSON	1,745.23	0.00
XXXX-XXXXX9-31024	T SCHWARTZ	15.00	0.00
XXXX-XXXXX9-31032	J HECKER	36,124.07	-1,317.80
Total		37,884.30	-17,005.06

Activity

Data reflects either transaction or pending date

Card Number	Reference Code	Amount \$
08/28/09 PAYMENT RECEIVED THANK YOU	08/28/09	-15,687.46
Total for JAMES GUSTAFSON	New Charges/Other Debits	0.00
	Payments/Other Credits	-15,687.46

Please fold on the perforation below, detach and return with your payment.

2045

466

EXHIBIT

tables'

HECKER (11/18) 791



Corporate Card Statement of Account

Prepared For
JAMES GUSTAFSON
WALDEN FLEET SERVICE

Account Number:
XXXX-XXXXX9-3100

Closing Date
07/28/09

**Sign-up For Online
Statements**

www.americanexpress.com/checkyourbill

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Pearlous Balance \$	New Charges \$	Other Debits \$	Payments \$	Other Credits \$
0.00	18,019.22	165.00	0.00	2,495.71

**Balance Please Pay By
Due \$ 08/12/09**

15,687.46 For important information regarding your account refer to page 2.

Payment is due in full. Please pay by 08/12/09 to allow time for your payment to be received by us and credited to your account.

For assistance or questions about your account, contact us at www.americanexpress.com/checkyourbill or call Customer Service at 1-800-528-2122.

Important account information requiring your action: Corporate Card, Executive Corporate Card, Corporate Platinum Card and American Express / Business ExtraA Corporate Card billing statements are moving exclusively online. Take action now! To access your statements online, you must register your Card at americanexpress.com/register.

Already registered? Log in to americanexpress.com/checkyourbill, click 'Switch to Paperless Statements' and confirm that your statement delivery option is set to 'online only.' Also, make sure to validate your current e-mail address to activate your monthly Statement Ready e-mail notification.

Corporate Card Snapshot

Card Number	Card	New Charges + Other Debits	Payments + Other Credits
XXXXX-XXXXXX9-31006	JAMES GUSTAFSON	0.00	0.00
XXXXX-XXXXXX9-31016	J GUSTAFSON	156.55	0.00
XXXXX-XXXXXX9-31024	T SCHWARTZ	55.00	0.00
XXXXX-XXXXXX9-31032	J HECKER	17,972.65	-2,486.76
	Total	18,184.22	-2,486.76

Activity

Does subject either transact or consider

Card Number XXXX-XXXXXX-3100

6500-1

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Total for JAMES GUSTAFSON

**New Charges/Other Debits
Payments/Other Credits**

0.00

• Please fold on the perforation below, detach and return with your payment.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2010, I caused the following documents:

Notice of Hearing and Motion for Turnover of Records and Order (proposed)

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first-class mail, postage paid, to the following:

American Express Company
d/b/a American Express
Attn: Officer/Managing Agent
P.O. Box 0001
Los Angeles, CA 90096

Dennis E. Hecker
P.O. Box 1017
Crosslake, MN 56442

Michael B. Lubic
Sonnenschein Nath & Rosenthal LLP
601 S Figueroa St Ste 2500
Los Angeles, CA 90017-5704

Michael W. Malter
Binder & Malter LLP
2775 Park Avenue
Santa Clara, CA 95050

Dated: January 6, 2010

/e/ Stephanie Wood

Stephanie Wood
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Dennis E. Hecker,

BKY No. 09-50779

Debtor.

ORDER

This case came before the court on the motion of Randall L. Seaver, Chapter 7 trustee, for turnover of records.

Upon the motion of the trustee, and the documents of record herein, and the court being fully advised in the premises,

IT IS ORDERED:

1. American Express shall turnover to the trustee all account statements for the account ending in 9-31006 (per Exhibit A to the trustee's motion) for the period of January 1, 2009 to the present.

Dated: _____

Robert J. Kressel
United States Bankruptcy Judge